

(G.C.P.)J 455 (5,00,000)-11.2001)

Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.8814 OF 2005

Office Notes, Office Memoranda
of Coram, appearances, Court's
order or directions and
Registrar's order.

Court's or Judge's orders

Ms P.P.Tendulkar with Shri M.S.Karnik for
the petitioner.

Mrs.M.P.S.Thakur, AGP for respondent Nos.1
and 2.

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CORAM: R.M.S.KHANDEPARKAR
&
NARESH H.PATIL, JJ

DATED: 18TH AUGUST, 2006.

P.C.

1. The petitioner challenges the rejection of approval for his appointment as Assistant Teacher. The authorities on consideration of the entire materials produced by the petitioner as well as the Society/Management has clearly held that the appointment of the petitioner was not in accordance with the procedure prescribed for filling up of the posts of teachers and secondly that the appointment was made without any efforts by the society to fill up backlog of backward classes for the

period from 1997 to 2003. It has also been observed that the society failed to comply with the directions issued by the authorities from time to time in that regard. Besides, the petitioner did not have required experience as per the service rules at the time of his entry in the employment. The appointment being contrary to the provisions of law, the concerned authority has refused to grant approval for the petitioner's appointment as Assistant Teacher, and therefore, no fault can be found with the said decision, nor any interference is required in writ jurisdiction. Undisputedly, the appointment of the petitioner was on temporary basis and it did not create any right in favour of the petitioner to get himself regularised in the service.

2. Considering all the above facts, the petition fails and is hereby rejected.

(R.M.S.KHANDEPARKAR, J)

(NARESH H. PATIL, J)